

### **REMARKS**

In response to the Examiner's objection to the specification, a new abstract has been entered.

In response to the Examiner's objection to the reissue declaration as defective, Applicant has included a copy of the reissue declaration filed September 12, 2000 with the statement indicated as missing by the Examiner marked (see page 2 of declaration) to show that the reissue declaration is not defective. Thus, the objection should be withdrawn.

In response to the Examiner's objection of claims 16-42 as not being in proper format because the new claims are not underlined, the Examiner is advised that underlining new claims is not proper format (see 37 CFR 1.121(c)(3) and MPEP § 714). Thus, the objection should be withdrawn.

In response to the Examiner's rejection of claims 1-42 under 35 U.S.C. § 102(f) because Patent Interference No. 104,522 was decided adverse to the Applicant, claims 1-28 have been canceled. The Examiner is advised that the Interference was drawn to a single count directed to the compounds alone and that a method for making the compounds was specifically excluded from the Interference (see Paper 56: Memorandum Opinion and Order dated June 11, 2001). Thus, the rejection with respect to claims 29-42 should be withdrawn.


In response to the Examiner's rejection of claims 1-42 under 35 U.S.C. § 102 based on U.S. Patent No. 6962930 because the Applicant failed to present claims and/or take necessary steps for interference purposes after notification that interfering subject matter was claimed, the Examiner is advised that the Applicant of the instant application

was the patentee in the Interference and this type of rejection is applicable to the applicant of a pending application, not a patentee (see MPEP § 2306.01). In addition, as noted above, the Interference was drawn to a single count directed to the compounds alone and a method for making the compounds was specifically excluded from the Interference. Thus, the rejection should be withdrawn.

In response to the Examiner's rejection of claims 1-42 because the 7.5 year maintenance fee for U.S. Patent No. 5783700 had not been paid, the Examiner is advised that the Applicant has paid the 7.5 year maintenance fee with surcharge (see attached Patent Bibliographic Data for the '700 patent indicating payment of said maintenance fee). Thus, the rejection should be withdrawn.

To facilitate further examination, Applicant has canceled claims 29-42 and added new claims 43-56. These amendments were made in accordance with the BPAI's Interference decision (see Paper 56: Memorandum Opinion and Order dated June 11, 2001) and are believed to place the pending claims in condition for allowance. Should the Examiner have additional questions or concerns, the Examiner is invited to telephone the undersigned to expedite resolution of the case.

Respectfully submitted,



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<b>Patent Bibliographic Data</b>				<b>08/03/2006 03:00 PM</b>	
<b>Patent Number:</b>	5783700	<b>Application Number:</b>	08887627		
<b>Issue Date:</b>	07/21/1998	<b>Filing Date:</b>	07/03/1997		
<b>Title:</b>	QUINOLIC ACID DERIVATIVES				
<b>Status:</b>	12th year fee window opens: 07/21/2009				
<b>Window Opens:</b>	07/21/2009	<b>Surcharge Date:</b>	01/22/2010	<b>Entity:</b>	Small
<b>Fee Amt Due:</b>	Window not open	<b>Surchg Amt Due:</b>	Window not open	<b>Expiration:</b>	N/A
<b>Fee Code:</b>	2553	<b>Total Amt Due:</b> Window not open			
<b>Surcharge Fee Code:</b>	MAINTENANCE FEE DUE AT 11.5 YEARS.				
<b>Most recent events (up to 7):</b>	2006/03/30 2006/03/30 2006/02/08 2002/01/17 1998/05/21	Payment of Maintenance Fee, 8th Yr, Small Entity. 7.5 yr surcharge - late pmt w/in 6 mo, Small Entity. Maintenance Fee Reminder Mailed. Payment of Maintenance Fee, 4th Yr, Small Entity. Payor Number Assigned. --- End of Maintenance History ---			
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